

REMARKS

Claims 1 – 5, 7 – 14, and 16 – 19 are in the application. Claims 1, 16, and 19 are currently amended; claims 6, 15, and 20 are canceled; and claims 2 – 5, 7 – 14, 17, and 18 remain unchanged from the original versions thereof. Claims 1, 16, and 19 are the independent claims herein.

No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1 – 20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,823,319 to Lynch et al. (hereinafter, Lynch). This rejection is respectfully traversed.

Applicant notes that claim 1 relates to a method of generating return targets for potential real estate deals. The claimed method specifically includes determining a collateral type associated with a potential real estate deal; receiving supplemental deal information associated with the potential real estate deal; and automatically generating a return target for the potential real estate deal based on the collateral type and the supplemental deal information, the return target being at least one of: (i) a return on investment value, (ii) a net income value, (iii) an internal rate of return value, and (iv) a loan spread value. Thus, it is clear that Applicant claims a method that includes automatically generating a return target for a potential real estate deal based on collateral type and the supplemental deal information associated with the potential real estate deal, where the return target is at least one of: (i) a return on investment value, (ii) a net income value, (iii) an internal rate of return value, and (iv) a loan spread value.

Applicant further notes that claims 16 and 19 are, in relevant part, worded similar to claim 1.

Contrary to claims 1, 16, and 19, the cited and relied upon Lynch does not appear to disclose the claimed aspect of automatically generating a return target for the potential real estate deal based on the collateral type and the supplemental deal information, the return target being at least one of: (i) a return on investment value, (ii) a net income value, (iii) an internal rate of return value, and (iv) a loan spread value. Instead, Lynch is directed to a system and method of processing a deal that includes prompting a customer for a deal parameter and for information associated with the customer, applying origination rules to the information, applying a strategy to the results of the application of the rules, and generating at least one deal based on the application of the strategy. (Lynch, col. 1, ln. 59 – col. 2, ln. 7) That is, Lynch provides at least one proposed deal based on information provided by the customer/user.

Lynch further discusses and emphasizes that the system and method therein generates at least one deal based on the input of the customer and products available by an offerer(s).

As used herein, "preferred option" includes the options that meet the preferences of the customer or the user. A preferred loan option is generated 336 by selecting from the offeror's available product types those products whose rules are satisfied by the elements stored in the deal structuring record. Each product type, of the offeror and third party offeror or offerors, may be considered an option for meeting the customer's preferences request. Each product type option is examined to determine if the elements in the deal structuring record meet the specific requirements of the product type. (emphasis added) (Lynch, col.9, ln. 53 – 63)

and

The use of compensating factors enables the offeror to override the requirements of a product in an attempt to offer a modified option, rather than a preferred option, to the customer, rather than not offering any option. In some cases, the application of compensating factors may result in additional risk to the offeror that can be offset by increasing the price, such as an increase in the interest rate. (Lynch, col. 10, ln. 40 – 43)

Thus, it is clear that Lynch generates a deal based on information provided by the customer and an offeror's available products. The generated deals satisfy preferences of the customer within the context of the available products.

There is no disclosure or suggestion by Lynch that the method/system therein automatically generate a return target for the potential real estate deal based on the collateral type and the supplemental deal information, the return target being at least one of: (i) a return on investment value, (ii) a net income value, (iii) an internal rate of return value, and (iv) a loan spread value. Lynch instead generates deals that satisfy a customer's preferences and available product criteria, not the claimed automatically generated return target.

Applicant notes that the Office Action fails to specifically describe which portions of Lynch correlate to the various aspects of the claims. For example, the Office Action is silent regarding which, if any, portion of Lynch correlates to the claimed "automatically generating a return target for the potential real estate deal based on the collateral type and the supplemental deal information, the return target being at least one of: (i) a return on investment value, (ii) a net income value, (iii) an internal rate of return value, and (iv) a loan spread value".

Therefore, Applicant respectfully submits that Lynch fails to disclose each and every element of claims 1, 16, and 19, configured as claimed by Applicant. Applicant therefore requests the reconsideration and withdrawal of the rejection under 35 USC 102(a).

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

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